

REMARKS/ARGUMENTS

In the Office Action dated March 23, 2005, the Examiner rejected claims 1-12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,832,718 (Sarradin). Applicant respectfully traverses the rejection because Sarradin does not qualify as prior art under 35 U.S.C. §102(e).

35 U.S.C. §102(e) is limited to certain references "filed in the United States before the invention thereof by the applicant". To qualify as prior art under 35 U.S.C. §102(e), the U.S. filing date of Sarradin must be earlier than the invention by applicant of the present application. Sarradin was filed under 35 U.S.C. §371 based on PCT/FR00/03620, filed on December 20, 2000, which claims priority from FR 9916422, filed on December 23, 1999. Therefore, the U.S. filing date of Sarradin is December 20, 2000.

The present application is a continuation of PCT/FI00/00020 filed on January 12, 2000. The priority information was corrected by a Preliminary Amendment filed on January 28, 2003 which added a paragraph to the specification containing a specific reference to PCT/FI00/00020 as required under 35 U.S.C. §120. Attached hereto is an Application Data Sheet clearly showing that the present application claims domestic priority under 35 U.S.C. §120 to PCT/FI00/00020. As stated on the Application Data Sheet, the present application also claims foreign priority to Finnish application FI 990053, filed January 13, 1999. Certified copies of both FI 990053 and PCT/FI00/00020 were filed on October 16, 2003.

Based on the attached Application Data Sheet and the Preliminary Amendment filed on January 28, 2003, the claim of domestic priority under 35 U.S.C. §120 is perfected. Accordingly, Sarradin does not qualify as prior art in the present application under 35 U.S.C. §102(e) because it was filed in the United States after the invention by applicant.

In view of the above remarks, the rejections of claims 1-12 as anticipated by Sarradin must be withdrawn.

This application is deemed to be in condition for allowance, and early notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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